

**AMENDMENTS TO THE CLAIMS**

Please amend the claims without prejudice, without admission, without surrender of subject matter, and without any intention of creating any estoppel as to equivalents, as follows.

**In the Claims:**

1. (Currently amended) A medical tube retaining device, said device including:

a first patient engaging portion configured to engage a zone of an upper jaw of a patient, the first patient engaging portion being shaped in the a form of a dental arch and having tooth engaging portions;

a second patient engaging portion configured to engage a zone of a lower jaw of the patient, the second patient engaging portion being shaped in the a form of a dental arch and having tooth engaging portions, the first and second patient engaging portions being biased apart to provide a working gap between; and

a medical tube guide means for holding a medical tube located in the an airway of the patient, the medical tube guide means being supportable on one or both of the patient engaging portions and located relative to the patient engaging portions such that in use the medical tube guide means is operatively positioned at the mouth of ~~the a~~ patient in order to hold the medical tube as it exits the airway of the patient; ~~patient~~.

wherein the medical tube guide means includes securing means operable between a securing and a releasing position, said securing means being configured to secure the medical tube against longitudinal displacement unless the securing means is in the releasing position in which case the medical tube is longitudinally displaceable into and out of the mouth of the patient.

2. (Previously presented) A medical tube retaining device as claimed in claim 1, wherein the first and second patient engaging portions are portions of a body having resiliently deformable portions.

3-4. (Canceled)

5. (Currently amended) A medical tube retaining device as claimed in claim 1, wherein the medical tube guide means is sized to permit a view into the mouth of the patient through a the working gap when the medical tube is in place in the mouth of the patient.

6. (Currently amended) A medical tube retaining device as claimed in claim 5, wherein the medical tube guide means is located ~~eccentrically~~ towards a side of the working gap.

7. (Previously presented) A medical tube retaining device as claimed in claim 1, wherein the medical tube guide means is configured to immobilize the medical tube in a desired position.

8-10. (Canceled)

11. (Currently amended) A medical tube retaining device as claimed in claim 1, wherein the first and second patient engaging portions are biased apart by one or more of resilient deformability of the a material used, a coil spring, a leaf spring, and fluid pressure.

12. (Previously presented) A medical tube retaining device as claimed in claim 1, wherein the medical tube guide means includes a eye through which the medical tube to be guided passes.

13. (Previously presented) A medical tube retaining device as claimed in claim 1, wherein the medical tube guide means includes a slip resilient portion to inhibit the free movement of the medical tube through the medical tube guide means.

14. (Currently amended) A medical tube guiding device as claimed in claim 1, wherein the first and second patient engaging portions include portions configured to approximate ~~the~~ a patient's bite size.

15. (Canceled)

16. (Canceled)

17. (Canceled)

18. (Currently amended) A method of reducing the risk of a patient biting closed a medical tube with which the patient is being intubated, said method including using a medical tube retaining device as claimed in claim 1 to bias a patient's teeth away from the medical tube while permitting the medical tube to be guided into the an airway of the patient.

19 - 21. (Canceled)

22. (New) A medical tube retaining device, which comprises of:

a first patient engaging portion configured to engage a zone of an upper jaw of a patient, wherein the first patient engaging portion is shaped in a form of a dental arch and comprises of a resiliently deformable arm which is attached to a base on one end of the arm and has a tooth engaging portion attached to the other end of the arm;

a second patient engaging portion configured to engage a zone of a lower jaw of the patient, wherein the second patient engaging portion is shaped in a form of a dental arch and comprises of a resiliently deformable arm which is attached to a base on one end of the arm and has a tooth engaging portion attached to the other end of the arm; and

a medical tube guide means for holding a medical tube located in an airway of the patient, the medical tube guide means being supportable on one or both of the patient engaging portions and located relative to the patient engaging portions such that in use the medical tube guide means is operatively positioned at the mouth of a patient in order to hold the medical tube as it exits the airway of the patient.

23. (New) A medical tube retaining device as claimed in claim 2, wherein the medical tube guide means is sized to permit a view into the mouth of the patient through the working gap when the medical tube is in place in the mouth of the patient; and wherein the medical tube guide means is located towards a side of the working gap.